

DOVE AIR, INC.; and JOSEPH W. DUNCAN,

Plaintiffs,

Vs.

J. R. TOMKINSON, INC.; and JOSEPH R. TOMKINSON,

Defendants.

ORDER

Still pending is the court's second docket review Order (#5) which raised concerns regarding the proposed withdrawal of Mr. Massagee. In that Order, the court raised concerns as to whether "Steven Allen is still a member of Mr. Massagee's firm, what his business address is, and whether he has completed ECF training." Id. The reason that this is important to the court is that a corporation can not proceed *pro se*, and the court wants to be assured that Mr. Allen is ready, willing, and fully up to

¹ The court notes that the Exhibits filed in support of the motion did not have a certificate of service attached thereto, and that an ECF error notice was sent on October 21, 2008.

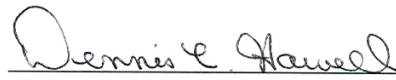
speed to handle this case before allowing Mr. Massagee to withdraw. In addition to the October 14, 2008, motion filed in Jordan v. Interstate Road management Corp., 1:08cv406 (Docket Entry # 14) which shows Mr. Allen at Mr. Massagee's address, the certificate of service attached to the Answer recently filed clearly shows that defendants are serving Mr. Allen at Mr. Massagee's address in Hendersonville. This information is in conflict with information in Mr. Massagee's instant motion, the court's docket, and information available through the North Carolina State Bar, which shows an address in Flat Rock as of September 30, 2008. The appropriate method for notifying the court and all parties is simply to file a notice of new address and any phone number, a statement that counsel has received ECF training and is admitted to the Bar of this court, that he is no longer affiliated with his prior firm, and a statement that counsel has communicated with the clients and intends to carry forward with his representation of plaintiffs in this matter. A certificate of service should be attached to such notice. Absent such notice, this issue remains unresolved at this point and on for hearing on Thursday at 2 p.m.

ORDER

IT IS, THEREFORE, ORDERED that the corporate defendant's Motion to Dismiss fully satisfies the court docket review Order (#4) and that the issues raised in the second docket review Order (#5) remain unresolved. Inasmuch as Mr. Dressler

is not privy to the problem addressed in such remaining Order, he may, if he so desires, not attend the hearing.

Signed: October 21, 2008

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Dennis L. Howell
United States Magistrate Judge

